



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

APRIL 20 2017

ELECTRONIC MAIL and CERTIFIED MAIL

Douglas Cole et. al.
100 Tomorrow Rd.
Somes Bar, CA 95569
guest ranch@marblemountainranch.com

CERTIFIED MAIL NO: 7003 1680 0000 2965 6984
RETURN RECEIPT REQUESTED

FEBRUARY 8, 2017 LETTER REGARDING PROPOSED TIME SCHEDULE FOR PROJECTS AND MARBLE MOUNTAIN RANCH

Dear Douglas and Heidi Cole:

The purpose of this letter is to respond to your letter, dated February 8, 2017, proposing a "time schedule to complete many of the projects outlined in the State Water Resources Control Board's ("State Water Board") Draft Order WR 2017-00XX-DWR ("Draft Order"), and the North Coast Regional Water Quality Control Board's ("Regional Water Board") Cleanup and Abatement Order RI-2016-0031 ("CAO")."

As the lead for the Division of Water Rights ("Division") Prosecution Team, I have requested a hearing for the State Water Board to receive evidence relevant to the matter of a draft order finding waste, unreasonable method of use, and unreasonable method of diversion of water at your point of diversion. A hearing on the Draft Order remains pending. The Division's Prosecution Team carefully coordinated with Regional Water Board enforcement staff to develop consistent time schedules for the respective enforcement actions. The Regional Water Board's CAO is a final order. Absent changes in the CAO, altering the Draft Order's proposed time schedule and project milestones would create inconsistent time schedules and project milestones. At this time, the Division has not been notified of any changes in the CAO's time schedule or project milestones. In order to maintain consistency, the Division's Prosecution Team will not alter the time schedule and proposed milestones in the Draft Order.

Insofar as changes to the time schedule in the Draft Order may be made without affecting obligations of the CAO, the Division's Prosecution Team is open to considering a stipulated time schedule and scope of work in association with a settlement agreement that includes the Regional Water Board. A stipulated time schedule and scope of work must eliminate the alleged misuse of water and provide for the protection public trust resources within a reasonable period of time. The Division's Prosecution Team will not otherwise agree to changes in the time schedule or scope of work proposed in the Draft Order.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

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If you have any questions regarding this Petition for Hearing, please contact Kathy Mrowka, Manager, Enforcement Section at (916) 341-5363 or Kathy.Mrowka@waterboards.ca.gov; or Kenneth Petruzzelli, Senior Staff Counsel, Office of Enforcement, at (916) 319-8577 or Kenneth.Petruzzelli@waterboards.ca.gov.

Sincerely,

ORIGINAL SIGNED BY:

*John O'Hagan, Assistant Deputy Director
Division of Water Rights*

cc: (via First Class US Mail)

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